



General Assembly

February Session, 2008

***Raised Bill No. 5497***

LCO No. 1966

\* \_\_\_\_\_ HB05497KIDAPP030608 \_\_\_\_\_ \*

Referred to Committee on Select Committee on Children

Introduced by:  
(KID)

***AN ACT CONCERNING ADOPTION AND SUBSIDIZED  
GUARDIANSHIP ASSISTANCE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-126 of the 2008 supplement to the general  
2 statutes is repealed and the following is substituted in lieu thereof  
3 (*Effective July 1, 2008*):

4 (a) As used in this section, "relative caregiver" means a person who  
5 is caring for a child related to such person because the parent of the  
6 child has died or become otherwise unable to care for the child for  
7 reasons that make reunification with the parent not a viable option  
8 within the foreseeable future and "commissioner" means the  
9 Commissioner of Children and Families.

10 (b) The Commissioner of Children and Families shall establish a  
11 program of subsidized guardianship for the benefit of children in the  
12 care or custody of the commissioner who are living with relative  
13 caregivers and who have been in foster care or certified relative care  
14 for not less than eighteen months. The commissioner, within available  
15 appropriations, shall establish a program of subsidized guardianship

16 for the benefit of children in the care or custody of the commissioner  
 17 who are living with relative caregivers and who have been in foster  
 18 care or certified relative care for not less than six but not more than  
 19 eighteen months. A relative caregiver may request a guardianship  
 20 subsidy from the commissioner. If adoption of the child by the relative  
 21 caregiver is an option, the commissioner shall counsel the caregiver  
 22 about the advantages and disadvantages of adoption and subsidized  
 23 guardianship so that the decision by the relative caregiver to request a  
 24 subsidized guardianship may be a fully informed one.

25 (c) If a relative caregiver who is receiving a guardianship subsidy  
 26 for a related child is also caring for the child's sibling who is not  
 27 related to the caregiver, (1) the commissioner shall provide a  
 28 guardianship subsidy to such relative caregiver if the sibling has been  
 29 in foster care for not less than eighteen months, and (2) the  
 30 commissioner shall, within available appropriations, provide a  
 31 guardianship subsidy to such relative caregiver if the sibling has been  
 32 in foster care for not less than six months but not more than eighteen  
 33 months. For purposes of this subsection, "child's sibling" includes a  
 34 stepbrother, stepsister, a half-brother or a half-sister.

35 (d) The commissioner shall provide the following subsidies under  
 36 the subsidized guardianship program in accordance with this section  
 37 and the regulations adopted pursuant to subsection (e) of this section:  
 38 (1) A special-need subsidy, which shall be a lump sum payment for  
 39 one-time expenses resulting from the assumption of care of the child  
 40 when no other resource is available to pay for such expense; [and] (2) a  
 41 medical subsidy comparable to the medical subsidy to children in the  
 42 subsidized adoption program if the child lacks private health  
 43 insurance; and (3) a higher education subsidy for all children  
 44 participating in the subsidized guardianship program for tuition at  
 45 any public or independent institution of higher education or a private  
 46 occupational school provided the amount of such subsidy shall not  
 47 exceed (i) the tuition at the institution of higher education or private  
 48 occupational school the child is attending or will attend or (ii) the

49 tuition at The University of Connecticut, whichever is less. The  
 50 subsidized guardianship program shall also provide a monthly  
 51 subsidy on behalf of the child payable to the relative caregiver that  
 52 shall be equal to the prevailing foster care rate. The commissioner may  
 53 establish an asset test for eligibility under the program.

54 (e) The commissioner shall adopt regulations, in accordance with  
 55 chapter 54, implementing the subsidized guardianship program  
 56 established under this section. Such regulations shall require, as a  
 57 prerequisite to payment of a guardianship subsidy for the benefit of a  
 58 minor child, that a home study report be filed with the court having  
 59 jurisdiction of the case of the minor not later than fifteen days after the  
 60 date of the request for a subsidy, provided no such report shall be  
 61 required to be filed if a report has previously been provided to the  
 62 court or if the caregiver has been determined to be a certified relative  
 63 caregiver by the commissioner. The regulations shall also establish a  
 64 procedure comparable to that for the subsidized adoption program to  
 65 determine the types and amounts of subsidy to be granted by the  
 66 commissioner as provided in subsection (d) of this section, for annual  
 67 review of the subsidy as provided in subsection (f) of this section and  
 68 for appeal from decisions by the commissioner denying, modifying or  
 69 terminating such subsidies.

70 (f) The guardianship subsidy provided under this section shall  
 71 continue until the child reaches the age of eighteen or the age of  
 72 twenty-one if such child is in full time attendance at a secondary  
 73 school, technical school or college or is in a state accredited job training  
 74 program. Annually, the subsidized guardian shall submit to the  
 75 commissioner a sworn statement that the child is still living with and  
 76 receiving support from the guardian. The parent of any child receiving  
 77 assistance through the subsidized guardianship program shall remain  
 78 liable for the support of the child as required by the general statutes.

79 (g) A guardianship subsidy shall not be included in the calculation  
 80 of household income in determining eligibility for benefits of the  
 81 relative caregiver of the subsidized child or other persons living within

82 the household of the relative caregiver.

83 (h) Payments for guardianship subsidies shall be made from  
 84 moneys available from any source to the commissioner for child  
 85 welfare purposes. The commissioner shall develop and implement a  
 86 plan that: (1) Maximizes use of the subsidized guardianship program  
 87 to decrease the number of children in the legal custody of the  
 88 Commissioner of Children and Families and to reduce the number of  
 89 children who would otherwise be placed into foster care when there is  
 90 a family member willing to provide care; (2) maximizes federal  
 91 reimbursement for the costs of the subsidized guardianship program,  
 92 provided whatever federal maximization method is employed shall  
 93 not result in the relative caregiver of a child being subject to work  
 94 requirements as a condition of receipt of benefits for the child or the  
 95 benefits restricted in time or scope other than as specified in subsection  
 96 (c) of this section; and (3) ensures necessary transfers of funds between  
 97 agencies and interagency coordination in program implementation.  
 98 The Commissioner of Children and Families shall seek all federal  
 99 waivers as are necessary and appropriate to implement this plan.

100 Sec. 2. Section 17a-117 of the general statutes is repealed and the  
 101 following is substituted in lieu thereof (*Effective July 1, 2008*):

102 (a) The Department of Children and Families may, and is  
 103 encouraged to contract with child-placing agencies to arrange for the  
 104 adoption of children who are free for adoption. If (1) a child for whom  
 105 adoption is indicated, cannot, after all reasonable efforts consistent  
 106 with the best interests of the child, be placed in adoption through  
 107 existing sources because the child is a special needs child and (2) the  
 108 adopting family meets the standards for adoption which any other  
 109 adopting family meets, the Commissioner of Children and Families  
 110 shall, before adoption of such child by such family, certify such child  
 111 as a special needs child and, after adoption, provide one or more of the  
 112 following subsidies for the adopting parents: (A) A special-need  
 113 subsidy, which is a lump sum payment paid directly to the person  
 114 providing the required service, to pay for an anticipated expense

115 resulting from the adoption when no other resource is available for  
 116 such payment; or (B) a periodic subsidy which is a payment to the  
 117 adopting family; and (C) in addition to the subsidies granted under  
 118 this subsection, (i) a higher education subsidy for all children adopted  
 119 through the child welfare system in this state for tuition at any public  
 120 or independent institution of higher education or a private  
 121 occupational school provided the amount of such subsidy shall not  
 122 exceed the tuition at the institution of higher education or private  
 123 occupational school the child is attending or will attend or the tuition  
 124 at The University of Connecticut, whichever is less, and (ii) any  
 125 medical benefits which are being provided prior to final approval of  
 126 the adoption by the Court of Probate in accordance with the fee  
 127 schedule and payment procedures under the state Medicaid program  
 128 administered by the Department of Social Services shall continue as  
 129 long as the child qualifies as a dependent of the adoptive parent under  
 130 the provisions of the Internal Revenue Code. Such medical subsidy  
 131 may continue only until the child reaches age twenty-one. A  
 132 special-need subsidy may only be granted until the child reaches age  
 133 eighteen, or age twenty-three, if the child is attending high school, an  
 134 institution of higher education or private occupation school. A periodic  
 135 subsidy may continue only until the child reaches age eighteen, or age  
 136 twenty-three, if the child is attending high school, an institution of  
 137 higher education or a private occupational school, and is subject to  
 138 biennial review as provided for in section 17a-118. A higher education  
 139 subsidy may continue only until the child reaches age twenty-three if  
 140 the child is attending an institution of higher education or a private  
 141 occupational school. The amount of a periodic subsidy shall not exceed  
 142 the current costs of foster maintenance care.

143 (b) Requests for subsidies after a final approval of the adoption by  
 144 the Court of Probate may be considered at the discretion of the  
 145 commissioner for conditions resulting from or directly related to the  
 146 totality of circumstances surrounding the child prior to placement in  
 147 adoption. A written certification of the need for a subsidy shall be  
 148 made by the Commissioner of Children and Families in each case and

149 the type, amount and duration of the subsidy shall be mutually agreed  
 150 to by the commissioner and the adopting parents prior to the entry of  
 151 such decree. Any subsidy decision by the Commissioner of Children  
 152 and Families may be appealed by a licensed child-placing agency or  
 153 the adopting parent or parents to the Adoption Subsidy Review Board  
 154 established under subsection (c) of this section. The commissioner shall  
 155 establish an adoption subsidy rate schedule that sets out a base  
 156 amount regardless of the date the adoption was approved. The  
 157 commissioner shall adopt regulations establishing the procedures for  
 158 determining the amount and the need for a subsidy.

159 (c) There is established an Adoption Subsidy Review Board to hear  
 160 appeals under this section, section 17a-118 and section 17a-120. The  
 161 board shall consist of the Commissioner of Children and Families, or  
 162 the commissioner's designee, and a licensed representative of a  
 163 child-placing agency and an adoptive parent appointed by the  
 164 Governor. The Governor shall appoint an alternate licensed  
 165 representative of a child-placing agency and an alternate adoptive  
 166 parent. Such alternative members shall, when seated, have all the  
 167 powers and duties set forth in this section and sections 17a-118 and  
 168 17a-120. Whenever an alternate member serves in place of a member of  
 169 the board, such alternate member shall represent the same interest as  
 170 the member in whose place such alternative member serves. All  
 171 decisions of the board shall be based on the best interest of the child.  
 172 Appeals under this section shall be in accordance with the provisions  
 173 of chapter 54.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2008</i>	17a-126
Sec. 2	<i>July 1, 2008</i>	17a-117

***KID***

***Joint Favorable C/R***

***APP***